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Paper No. 9

In re Application of :  
Douglas Ray Sparks :  
Application No. 09/683,967 : DECISION ON PETITION  
Filed: March 7, 2002 :  
Attorney Docket No A1-1423 :

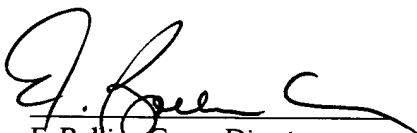
This is a decision on the petition filed by facsimile transmission on August 5, 2004, by which petitioner requests withdrawal of holding that this application stands abandoned for failure to file a proper and timely reply to the Office letter dated November 7, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that a timely and proper reply to the Office letter in question was in fact filed by facsimile transmission on December 30, 2003. Petitioner has supported this allegation by furnishing a copy of the reply. The reply has affixed thereto a 37 CFR 1.8(a) certificate of transmission dated December 30, 2003, a date within the period set for filing a reply to the Office letter in question. It is clear from this evidence that the application is not abandoned. See 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on December 30, 2003, which includes terminal disclaimer. The fee for the terminal disclaimer will be charged to Deposit Account No. 08-0960. Thereafter, the application will be forwarded to the examiner for immediate action on the reply filed on December 30, 2003.

PETITION GRANTED.

  
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